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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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08/371,089 01/10/95 GARGANO

E6M1/0813

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P. 08/371-01
EXAMINER

MULLEN, T

ART UNIT	PAPER NUMBER
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7

DATE MAILED: 7

08/13/96

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on June 17, 1996

☒ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-2, 4-9, 11-13, 15-21 and 26-27 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 26-27 is/are allowed.

☒ Claim(s) 1-2, 4-9, 11-13 and 15-21 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on 6/17/96 is ☐ approved ☒ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Art Unit 2617

1. The amendment filed 6/17/96 has been fully considered. The proposed drawing changes are NOT approved for the reasons set forth below.

2. The drawings are objected to because reference numeral 40 is used for two different elements in the proposed Fig. 2, note case 40 (top of Figure) and inductive pickup 40 (near the lower left corner of Figure). Correction is required.

Applicant is required to submit a proposed drawing correction in response to this Office action. However, correction of the noted defect can be deferred until the application is allowed by the examiner.

3. The disclosure is objected to because of the following informalities: on page 12, line 25, "effect" should be --affect--; and reference numeral 40 is used for two different elements, note "case 40" at e.g. p. 11, lines 22-23 and "inductive pickup means 40" in the insert to page 15, line 13. Appropriate correction is required.

4. Claim 2 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 1 was amended to incorporate the limitations of original claim 3. Claim 3 included all the limitations of claim 2, plus further limitations. Thus, claim 2 fails to further limit claim 1 as amended.

5. Claims 1-2, 4-9, 11-13 and 15-21 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

As noted in the last Office action, it appears that the "triggering means" of claim 1 is simply decoder 6 while the "receiver means" of claim 1 includes receiver 4, energy reservoir 36 and micro-power circuitry 34 (where circuitry 34 apparently includes micro power generating means 26, energy conversion circuitry 32 and binary conversion circuitry 38). As such, the subject matter of the claims is inconsistent with the disclosure in that it appears (based on the disclosure) that the receiver means (4,26,32,34,36,38), rather than the triggering means (6), comprises: (I) the "electromechanical device (26) having a binary output (38)" of claims 1-2; and (II) the "sustainable power supply" (36) and "means for picking up...energy" (28,30) of claim 5.

6. Claims 4, 7, 9, 12, 13, 16-17 and 20 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 4, it is unclear if the "signal decoder" on line 4 is the same or a different element as the "digital decoder" recited in claim 1, line 12.

The dependency of claims 7, 9 and 12 on claim 3 is now improper, since claim 3 has been cancelled.

In claim 13, line 2, "allow" should be --allows--.

In claim 16, line 3, "the all" should be --all--.

In claim 20, line 2, "are" should be --is--.

7. Claims 1-2, 4-9, 11-13 and 15-21 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. 112.

8. Claims 26-27 are allowed.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit 2617

A shortened statutory period for response to this final action is set to expire **THREE MONTHS** from the date of this action. In the event a first response is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Mullen whose telephone number is (703) 305-4382. The examiner can normally be reached on Mon.-Fri. from 7:30AM to 4:00PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass, can be reached on (703) 305-4392. The fax phone number for this Group is (703) 305-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-8576.

T.Mullen

August 9, 1996


THOMAS MULLEN
PATENT EXAMINER
GROUP 2600